

REGULAR CALLED CIVIL SERVICE BOARD MEETING

SEPTEMBER 3, 2014

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, September 3, 2014, in the Commissioners' Board Room.

Members present: Larry Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Dr. Cephus Jackson, Member
 Gbenga Osagie, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and various staff members;
 Tamara Duggans, Human Resources Manager; Civil Service Board
 Attorney Joe Harris; County Attorney Michelle Youngblood; Police Chief
 Gregory Porter; Police Department Legal Advisor Kenneth Green; Fire
 Chief Landry Merkison; Joseph Rushin; Donna Harris; Lynda Cook;
 Sheriff's Office Assistant Chief Deputy Shawn Southerland; Mark Cain;
 India Smith; Satira Walker; Juvenile Court Director John Johnson; Police
 Lieutenant James Long; Attorney Keith Martin; Clide Moss; Kevin
 Humphries; various employees from County departments; and other
 individuals.

Chairman Bartlett called the meeting to order at 9:07 a.m., and noted for the record that all Board members were present.

Chairman Bartlett called for a motion to adopt the September 3rd agenda. Mr. Trimble made the motion to adopt the agenda with the removal of item 13 at the request of Fire Chief Landry Merkison, second by Vice-Chair Lancaster. Discussion on the motion made: Chairman Bartlett stated the employee was no longer employed. No further discussion on the motion made. Motion carried by unanimous vote.

The Board welcomed its new member, Dr. Cephus Jackson. Dr. Jackson thanked the Board.

1. Considered for approval the Civil Service Board's Meeting minutes held on August 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a vote (4-0, Dr. Jackson abstained).

2. Considered for approval the Civil Service Board's Meeting minutes held on August 6, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by a vote (4-0, Dr. Jackson abstained).
3. Considered for approval the Executive Session Minutes regarding Brian Freeman, Police Department, grievance heard on August 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by a vote (4-0, Dr. Jackson abstained).
4. Considered for approval the Civil Service Board's Advisory Opinion and Recommendation regarding Brian Freeman, Police Department, grievance held on August 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Advisory Opinion and Recommendation, second by Mr. Osagie. No further discussion on the motion made. Motion carried by a vote of (4-0, Dr. Jackson abstained).
5. Considered for approval the Executive Session Minutes regarding Kenneth H. Green, Police Department, grievance heard on August 6, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0, Dr. Jackson abstained).
6. Considered for approval the Civil Service Board's Advisory Opinion and Recommendation regarding Kenneth H. Green, Police Department, grievance held on August 6, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Advisory Opinion and Recommendation, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0, Dr. Jackson abstained).
7. Considered for approval the request from Juvenile Court Director John Johnson to extend the probationary period of Ashley Martin, Juvenile Court, of an additional 12 months.
 - a. Juvenile Court Director John Johnson presented his request in detail.
 - b. Chairman Bartlett inquired as to why the extension request was for 12 months, as the Board usually approved in increments of 6 months.

- c. Chairman Bartlett advised that Ashley Martin was notified of the request and wrote a memorandum not contesting.
 - d. A discussion among the Board, Human Resources Director Renee Bright and Juvenile Court Director John Johnson occurred.
 - e. Juvenile Court Director Johnson modified his request from “twelve months to six months”.
 - f. Chairman Bartlett called for a motion regarding the modified request of extending Ashley Martin’s probationary period for six months. Mr. Trimble made the motion to approve the six-month extension, second by Vice-Chair Lancaster. No further discussion on the motion made Motion carried by unanimous vote.
8. Considered for approval the request from Police Chief Gregory Porter to extend the promotional probationary period of Lieutenant James Long, Police Department, for six months (until March 27, 2015).
- a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. Lieutenant James Long was in attendance and presented his consideration in detail.
 - c. Police Chief Porter explained the request was not a performance issue but strictly due to his injury and wanted to be consistent across the board.
 - d. Mr. Trimble made the motion to extend the promotional probation for Lieutenant James Long, for six months, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
 - e. Chairman Bartlett explained the Board’s decision to Lt. Long and wished him the best of luck.
9. Considered for approval the request from Police Chief Gregory Porter to extend the probationary period of Captain Johnny Frederick, Police Department, for six months.
- a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. Chairman Bartlett acknowledged the memorandum submitted by Captain Johnny Frederick not contesting the request.
 - c. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
10. Considered for approval the request from Police Chief Gregory Porter to extend the probationary period of Officer Christian Sobadjian, Police Department, for six months.
- a. Police Department Legal Advisor Kenneth Green presented the request in detail.

- b. HR Director Bright confirmed Officer Sobadjian was notified of today's meeting.
 - c. Officer Sobadjian was not in attendance.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
11. Considered for approval the request from Police Chief Gregory Porter to extend the probationary period of Officer Joseph Bowie, Police Department, for six months.
- a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. HR Director Bright confirmed Officer Bowie was notified of today's meeting.
 - c. Officer Bowie was not in attendance.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
12. Considered for approval the request from Police Chief Gregory Porter to extend the probationary period of Sergeant John Conwell, Police Department, for six months.
- a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. HR Director Bright confirmed Sergeant Conwell was notified of today's meeting.
 - c. Sergeant Conwell was not in attendance.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
13. Considered for approval the request from Fire Chief Landry Merkison to adjust the probationary period of the following EMT certified employees from 18 months to 12 months: *Nicholas Keene, Matthew Palmer, Micah Cauble, David C. King, Arthur Wagnon, III, Christopher Capps, Hannah Cauble, Ubaldo Gutierrez Ortiz, Jesse Hamson, Raymond Norton, Bartholomew Ritchie, Omonte Ross, Haden Sinnemon, Kyris Barnett, Ethan McEachern, Adalberto Madera and Billy Young, III.*
- a. Fire Chief Landry Merkison presented his request in detail.
 - b. A discussion between the Board and Fire Chief Merkison occurred.
 - c. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

14. Considered for approval the request from Fire Chief Landry Merkison to extend the probationary period of Firefighter Zedrick Carter, Fire/EMS, for an additional six months.
 - a. Fire Chief Merkison explained the request in detail.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

15. Calendar Call.
 - a. **Satira Walker, Mark Cain, Lynda Cook, Kevin Humphries, Clide Moss, Rodney Lee and India Smith, Sheriff's Office** - Involuntary Transfer Grievance.
 - i. Chairman Bartlett advised Attorney Keith Martin was in Fayette County Court and would be a little late.
 - ii. Civil Service Board Attorney Joe Harris confirmed that Attorney Martin would be ready to proceed once he arrived.
 - iii. Mr. Trimble advised the Board that Attorney Martin was in attendance.
 - b. **Joseph Rushin, Fire Department/EMS** – Termination Appeal.
 - i. County Attorney Michelle Youngblood stated the County was ready.
 - ii. Mr. Rushin was in attendance, was representing himself and was ready to proceed.
 - iii. Chairman Bartlett advised Mr. Rushin the procedures would be explained to him.
 - c. **Donna Harris, Sheriff's Office** – One-day suspension
 - i. County Attorney Youngblood stated the County was ready.
 - ii. Ms. Harris was in attendance, was representing herself and was ready to proceed.
 - iii. Chairman Bartlett advised Ms. Harris the procedures would be explained to her.
 - d. **Donna Harris, Sheriff's Office** – Two-day suspension
 - i. County Attorney Youngblood stated the County was ready.

- ii. Ms. Harris was in attendance, was representing herself and was ready to proceed.
 - iii. Chairman Bartlett asked if the two appeals would be combined.
 - iv. A discussion among the Board, County Attorney Youngblood and Ms. Harris occurred.
 - v. Chairman Bartlett advised that the County's objection would be heard at the time the case was called.
 - vi. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - vii. Chairman Bartlett called the meeting back to order.
- e. **Joseph Rushin (Fire/EMS) and Donna Harris (Sheriff's Office)**
- i. Chairman Bartlett excused Mr. Rushin and Ms. Harris until October meeting and stated the only case on today's agenda would be the grievance filed by the Sheriff's Office employees (seven grievants).
16. ***Grievance*** – Considered grievance filed November 2013, by Satira Walker, Mark Cain, Lynda Cook, Kevin Humphries, Clide Moss, Rodney Lee and India Smith, Sheriff's Office, with regards to: Involuntary Transfer.
- a. Mr. Trimble offered to recuse himself from this hearing, as he knows Rodney Lee's father and siblings and explained in detail.
 - b. County Attorney Youngblood and Attorney Martin did not have any objections with Mr. Trimble remaining.
 - c. Attorney Martin advised the Board that Mr. Lee was not in attendance due to medical issues but wanted his case to proceed without him.
 - d. Chairman Bartlett confirmed Mr. Trimble would remain to hear the grievance.
 - e. Chairman Bartlett confirmed the 90 minute timeframe and explained the procedures in detail.
 - f. Attorney Youngblood and Attorney Martin were ready to proceed.
 - g. Attorney Youngblood stated the County had two pending motions regarding Cook and Humphries.
 - h. A discussion among the Board, Attorney Harris, Attorney Youngblood and Attorney Martin occurred regarding Kevin Humphries.

- i. Attorney Youngblood withdrew the County's motion regarding Humphries, as Attorney Martin withdrew Kevin Humphries first grievance dated November 8, 2013 (filed November 27, 2013).
- j. Chairman Bartlett called for a motion to accept Attorney Martin's withdrawal of Kevin Humphries grievance filed November 27, 2013 (dated November 8, 2013). Mr. Trimble made the motion to allow the withdrawal, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- k. Attorney Youngblood stated that the County's motion was now moot.
- l. A discussion among the Board, Attorney Harris, Attorney Youngblood and Attorney Martin occurred regarding Lynda Cook.
- m. Chairman Bartlett stated Cook's two grievances would be blended and that the County's motion was moot.
- n. County Youngblood did not have any objections.
- o. Attorney Martin waived the Grievants' opening statement.
- p. Chairman Bartlett asked Attorney Harris if the rule of sequestration applied.
- q. Attorney Martin asked for sequestration and renewed his objections regarding not being able to subpoena any witnesses and explained in detail.
- r. A discussion among the Board, Attorney Harris, Attorney Martin and Attorney Youngblood occurred.
- s. Chairman Bartlett called for a motion regarding Attorney Martin's request for sequestration. Vice-Chair Lancaster made the motion to allow the sequestration, second by Chairman Bartlett. No further discussion on the motion made. Motion carried by a 4-1 vote, Mr. Trimble voted nay.
- t. Attorney Martin waived his opening statement and Attorney Youngblood reserved the County's opening statement.
- u. Attorney Harris swore in all witnesses.
- v. Attorney Martin called Mark Cain to the witness stand. He stated his name, when employed and his employee number. Attorney Martin began questioning Officer Cain. Officer Cain responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Employee Exhibits E-9, E-10 and E-11.
- w. Attorney Martin continued questioning Officer Cain. Officer Cain responded in detail to all questions posed by Attorney Martin.

- x. Attorney Youngblood began cross-examination of Officer Cain. Officer Cain responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood reserved the right to recall Officer Cain.
- y. The Board questioned Officer Cain. He responded in detail to all questions posed by the Board.
- z. Attorney Martin called Officer Lynda Cook to the witness stand. She stated her name. Attorney Martin began questioning Officer Cook. Officer Cook responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Employee Exhibits E-18 and E-22
- aa. Attorney Youngblood began cross-examination of Officer Cook. Officer Cook responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood reserved the right to recall Officer Cook.
- bb. The Board questioned Officer Cook. She responded in detail to all questions posed by the Board.
- cc. Attorney Martin called Kevin Humphries to the witness stand.
- dd. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- ee. Chairman Bartlett called the meeting back to order.
- ff. Officer Humphries stated his name. Attorney Martin began questioning Officer Humphries. Officer Humphries responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Employee Exhibits E-6, E-23 and E-24.
- gg. Attorney Youngblood began cross-examination of Officer Humphries. Officer Humphries responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood reserved the right to recall Officer Humphries.
- hh. The Board questioned Officer Humphries. He responded in detail to all questions posed by the Board.
- ii. Attorney Martin called Clide Moss to the witness stand. He stated his name. Attorney Martin began questioning Officer Moss. Officer Moss responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Employee Exhibit E-26.
- jj. Attorney Martin continued questioning Officer Moss. Officer Moss responded in detail to all questions posed by Attorney Martin.
- kk. Attorney Youngblood began cross-examination of Officer Moss. Officer Moss responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood reserved the right to recall Officer Moss.

- ll. The Board questioned Officer Moss. He responded in detail to all questions posed by the Board.
- mm. Chairman Bartlett called for a lunch break (until 1:15 p.m.) motion. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- nn. Chairman Bartlett called the meeting back to order.
- oo. Attorney Martin called India Smith to the witness stand. She stated her name. Attorney Martin began questioning Officer Smith. Officer Smith responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-15d page 2.
- pp. Attorney Youngblood began cross-examination of Officer Smith. Officer Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood reserved the right to recall Officer Smith.
- qq. The Board questioned Officer Smith. She responded in detail to all questions posed by the Board.
- rr. Attorney Martin called Satira Walker to the witness stand.
- ss. Attorney Martin asked for a time check – Mr. Trimble advised he had used 52 minutes and Attorney Youngblood had used 9 minutes.
- tt. Attorney Martin began questioning Officer Walker. Officer Walker responded in detail to all questions posed by Attorney Martin.
- uu. Attorney Youngblood began cross-examination of Officer Walker. Officer Walker responded in detail to all questions posed by Attorney Youngblood.
- vv. The Board questioned Officer Walker. She responded in detail to all questions posed by the Board.
- ww. Attorney Martin rested the Grievants' side.
- xx. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- yy. Chairman Bartlett called the meeting back to order.
- zz. Attorney Youngblood called Human Resources Director Renee Bright to the witness stand. Attorney Youngblood began questioning HR Director Bright. HR Director Bright responded in detail to all questions posed by Attorney Youngblood.
- aaa. Attorney Martin began cross-examination of HR Director Bright. HR Director Bright responded in detail to all questions posed by Attorney Martin.

- bbb. The Board questioned HR Director Bright. She responded in detail to all questions posed by the Board.
- ccc. Attorney Youngblood tendered the following exhibits for the County: C-1 through C-10, C-12 and C-15. Attorney Martin had no objections.
- ddd. Attorney Martin tendered all of the Employee Exhibits, namely, E-1 through E-31.
- eee. Chairman Bartlett stated he thought all exhibits had been allowed during last month's meeting.
- fff. Mr. Trimble gave a time check: Attorney Martin had 23 minutes remaining and Attorney Youngblood had 75 minutes remaining.
- ggg. Chairman Bartlett called for a short break (return at 3:25 p.m.). Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- hhh. Chairman Bartlett called the meeting back to order.
- iii. There were no rebuttal witnesses called.
- jjj. Attorney Martin reserved the right to present closing arguments last.
- kkk. Attorney Youngblood presented the County's closing arguments. Attorney Martin presented the Grievants' closing arguments.
- lll. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the grievance filed November 2013, by Satira Walker, Mark Cain, Lynda Cook, Kevin Humphries, Clide Moss, Rodney Lee and India Smith, Sheriff's Office, with regards to: Involuntary Transfer. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- mmm. Chairman Bartlett called the meeting back to order.
- nnn. Chairman Bartlett called for a motion regarding the grievance filed November 2013, by Satira Walker, Mark Cain, Lynda Cook, Kevin Humphries, Clide Moss, Rodney Lee and India Smith, Sheriff's Office, with regards to: Involuntary Transfer. Mr. Osagie made the recommendation that the Sheriff's Office did not follow the RIF policy in Civil Service Rule 9.201 and that this action should be considered as an Involuntary Transfer. The employees shall be given and have the same seniority in the Police Department as they had in the Sheriff's Office, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- ooo. Chairman Bartlett addressed the employees and wished them the best of luck.

17. Discussion items.

- a. Selected a second meeting date for October 2014.
 - i. A discussion between the Board members occurred.
 - ii. Chairman Bartlett called for a motion regarding adopting a second meeting date. Mr. Trimble made the motion to set Thursday, October 2, 2014, as the Special Called Meeting date, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- b. Request the Board of Commissioners to allow the Civil Service Board to meeting three days a week, three weeks a month.
 - i. HR Director Bright advised Chairman Jeffrey Turner had acknowledged receipt of the Board's request but would like to schedule a meeting to discuss further.
- c. **Calendar call (September 4, 2014)**
 - i. **Sherice Jones, Police Department** – Termination Appeal
 - (1) Attorney Youngblood advised one of the County's witnesses had a death in the family and would be unavailable. The County was not ready to proceed.
 - (2) Chairman Bartlett advised Attorney Youngblood and Attorney Martin to be prepared to go forward with Cassandra Pitts and Sonja Sanchez.
 - (3) Attorney Martin addressed the Board regarding Sanchez' appeal.
 - (4) Chairman Bartlett stated the Board would address any issues tomorrow.
 - (5) Attorney Youngblood stated Cassandra Pitts' termination appeal had not been resolved and explained in detail.
 - (6) Chairman Bartlett advised the Board would not get involved with any negotiations and would proceed with the demotion appeal.
 - (7) Attorney Youngblood advised the Board the County would seek a continuance regarding Sherice Jones' termination appeal.

18. Other business.

a. None.

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



RENEE BRIGHT
HUMAN RESOURCES DIRECTOR